

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TARIGHI et al.

Serial No. 09/987,915 Group Art Unit: 2618

Filed: NOV. 16 2001 Examiner: PHAM

For: PORTABLE WIRELESS COMMUNICATION SYSTEMS

STATEMENT CONCERNING UNINTENTIONAL DELAY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This letter is to explain why there has been a 19 month delay in responding to the Restriction Requirement regarding this patent application.

There were many problems with the previous attorney of record, but as soon as we became aware of these problems, we made arrangements to file a Request to Revive within weeks.

Specifically, we were unaware of the passing deadlines and the potential loss of rights stemming from the total lack of communication from the previous attorney concerning the due dates. As we have been informed, the restriction requirement was dated 9/9/04, and thus we have found out that the due date for response was 11/9/04, and which could have been extended to 4/9/05.

We did not find out about the abandonment until 13 months after from the due date for response because the Examiner failed to send the Notice of Abandonment on time, rather the Notice of Abandonment was sent on 5/25/06; a 13 month Examiner delay in sending the Official Notice of Abandonment to the law firm. By the time the previous law firm received this Abandonment Notice and the reported it to us, the application was already unintentionally abandoned. As pointedly noted in the dismissal we received from the Petitions Department, the prior attorney failed to file status requests at the USPTO during this entire period.

We also noted that, in addition to the lack of communication, that the previous attorney failed to obtain our instructions and failed to file a response on time, the patent attorney did nothing to preserve patent rights, nor did the attorney obtain

authorization to abandon the case from the inventor (inventor was never informed of such a request and it would have been rejected.)

We have gone through considerable effort to rectify the issues that led to this delay and have acted very quickly since 5/25/06 to find new counsel and file a Request to Revive in a very short time (it was filed on 6/28/06). Thus, we have provided this requested information as to why the delay happened, and we believe that it demonstrates that the delay was not due to lack of effort on the part of inventor and that it was not intentional.

Respectfully submitted,

Date: July 31, 2006



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